In Card to The Journal, Wife of Factory Superintendent Declares Solicitor Dorsey Has Approved Third Degree

"WE ARE SUFFERING NOW, BUT WHO WILL BE NEXT?"

Her Statement in Full—Conley Will Not Be Indicted as Accessory, but if Frank is Acquitted, He Will Be Tried

Mrs. Leo M. Frank, wife of the indicted pencil factory superintendent, Saturday afternoon sent The Journal a second statement in which she renews her charge that Solicitor General Hugh M. Dorsey and the city detectives are obtaining evidence in the Phagan murder case by torturing witnesses into giving testimony.

Mrs. Frank's statement is given out in reply to one issued Thursday afternoon by the solicitor. She declares that her negro cook, Minola McKnight, was arrested in violation of the criminal laws, because there was no charge against her and she was suspected of no crime.

"I do not wish to be in any manner bitter towards Mr. Dorsey, even in my feelings," declares Mr[s]. Frank, "because it is [m]os[t] perfectly clear that his action is dictated by a serious mistake of judgment, and my only purpose is to let the community understand as thoroughly as I can, in the interest of fairness to my innocent husband, that Mr. Dorsey is proposing to use third degree torture chamber testimony in an effort to take his life and that he thinks it is perfectly proper for him to do so."

MRS. FRANK'S STATEMENT.

Following is Mrs. Frank's statement:

"Atlanta, Georgia, June 7, 1913.

"Editor, Atlanta Journal,

"Dear Sir: I think fairness to Mr. Frank requires that the public should clearly understand Mr. Dorsey's position as stated by him in his card in the Constitution of June 6, and repeated in the papers yesterday, in reply to my statement that he proposes to

use testimony which comes from witnesses as the result of torture.

"His real position, as gleaned from his card, can be stated in the following sentences which he employed:

"'I have only to say, without in any wise taking issue with her in the premises as I might . . . that I welcome all evidence from any source that will aid an impartial jury, under the charge of the court, in determining the guilt or innocence of the accused.'

"That is to say, he thinks it unnecessary to waste time in disputing the fact that the detectives are procuring testimony from witnesses by torture. He considers this point immaterial. He believes he is thoroughly justified in using tortured testimony, if it is turned over to him, for he says: "I welcome all evidence from any source."

"The Journal and the Constitution stated that he had had my cook arrested and carried to his office and quizzed to such an extent as to drive her into hysterics and that after this he sent her screaming to the police station in the patrol wagon. After she left his office she was taken to the detectives' torture chamber, and according to the Atlanta Constitution, she there had the third degree applied to her to the point of exhaustion, after which she made an affidavit, which the detectives or someone immediately gave out to the papers. The solicitor had no charge against this cook and did not suspect her of any crime. Yet Mr. Dorsey waives this aside as a trivial matter, not worthy to be discussed by him, because he says "I welcome all evidence from any source," clearly implying that he will take it from the torture chamber if it is offered to him.

VIOLATED CRIMINAL LAWS.

"That he and the detectives violated the criminal law in arresting my cook when they had no charge against her and when they suspected her of no crime, I am told by lawyers, admits of no doubt. But this, Mr. Dorsey thinks, need not be discussed by him.

"While Mr. Dorsey thinks all this is entirely proper, it is the next thing to an impossibility to believe that many persons in the community will agree with him. Indeed, I would be surprised if a single individual could be found who would agree with him that he should use, even in the newspapers, torture chamber testimony to take away a man's life.

"When Mr. Dorsey introduces this third degree evidence to the jury, can it be supposed that he will at the same time tell the jury that it comes direct from the torture chamber?

"It is our time to suffer now. Can any one tell whose turn will come next?

"I do not wish to be in any manner bitter toward Mr. Dorsey, even in my feelings, because it is so perfectly clear that his action is dictated by a serious mistake of judgment, and my only purpose is to let the community understand as thoroughly as I can, in the interest of fairness to my innocent husband, that Mr. Dorsey is proposing to use third degree torture chamber testimony in an effort to take his life and that he thinks it is perfectly proper for him to do so.

"Mr. Dorsey and the detectives know that I cannot go on the witness stand and deny the affidavits they have published in the newspapers wrung from my cook in the torture chamber by the third degree process, because I am informed that under the law a wife will not be permitted to testify either for or against her husband. The law puts this absolute seal upon my lips and my only recourse is in letting the community know the facts through the newspapers as far as I can. I know I cannot keep up with all the false affidavits and false rumors and innuendos that have been so industriously put in the newspapers, but I feel that I should call attention in this instance to Mr. Dorsey's position, which he so boldly justifies.

"Respectfully yours,

"MRS. LEO M. FRANK."

WON'T INDICT NEGRO.

Although the Fulton county grand jury meets again next Tuesday morning to take up criminal matters, there is said to be no probability of the jury's considering a bill against James Conley, the negro sweeper, charging him with being an accessory after the fact of Mary Phagan's murder.

In fact, there is little chance of Conley's being indicted on this charge until after the trial of Leo M. Frank, superintendent of the factory where Conley was employed.

The natural inference from the fact that Conley will not be indicted by the grand jury until after Frank's trial is that should the state fail to secure a conviction, and any additional evidence is developed against Conley by the defense, then he can be indicted, not as an accessory, but as the principal in the murder.

Nothing has developed to change the attitude of the state, but there has been no evidence to demonstrate to a mathematical certainty the guilt of any party. As a result the attitude of the state is said to be quite flexible.

If the state fails to secure a conviction of Mr. Frank then the chances favor a charge of murder against the negro. It has been said that the defense of Frank will try to show the negro guilty of the crime, and additional evidence against the negro will be produced by Frank's attorneys.

NEGRO MAY FACE TRIAL.

If this should prove to be the case and Frank is acquitted, then the negro is certain to face a trial for his own life.

However, if the defense of Frank should fail to attack the negro and Frank still be acquitted, even then the probability is that the negro would be indicted as a principal and not as an accessory after the murder.

"In other words, developments of Saturday indicate that when Frank faces the jury in the criminal division of the superior court the negro Conley, his principal accuser, will be given a

"preliminary hearing." If Frank is found guilty he escapes. If Frank is declared innocent then he (Conley) will have to stand trial for his life.

There has been much speculation about the legal right of the authorities to hold Conley, a witness in a state case, at police headquarters, where the city is bearing the expense of his incarceration.

Conley, soon after his sensational confession, was transferred to the tower from police headquarters, where he had been detained several weeks. The transfer was on an order from Judge L. S. Roan, holding the man as a material witness in the case against Frank.

Conley remained only about twenty-four hours in the tower, when he went to the solicitor's office on another order issued by Judge Roan. From there he was carried by Detectives to police headquarters, where he now is.

Solicitor Dorsey was asked to explain the negro's position Saturday, and his states that Judge Roan has issued an order permitting Conley to be detained at police headquarters.

The order is said to have been taken at the request of the negro himself, and by co[n]sent of his cou[n]sel, William M. Smith.

Conley was not "sweated" Saturday. The chief of detectives states that the negro will probably not be cross-examined again unless there are unforeseen developments.

TRIAL JUNE 30.

There is now little doubt that the case against Frank will be set on the superior court calendar for Monday, June 30, by the solicitor general.

It is also quite probable that the actual trial will be entered into on that day. The criminal division of the superior court is seldom in session during the months of July and August, and, should the defense attempt to postpone the hearing from June 30, the trial of

the case would go over until September, and it is not considered likely that either side will want such a long delay.

It has been reported that Viola [sic] McKnight, the negro cook at the Frank home, has disappeared, but Chief Lanford says that no report about her has been made to him. The woman is a witness located by the solicitor general, and Chief Lanford says that he will make no effort to find her unless requested to do so by Mr. Dorsey. The rumor of the woman's disappearance has caused little comment, since she is not considered important as a witness.

It has been stated that the defense of Frank is expecting to show at his trial that the elevator in the National Pencil factory, where the tragedy occurred, was not operated on April 26. Chief Lanford, on the other hand, is very confident that the state will be able to show conclusively that the elevator was in perfect running order on the day of the murder and could have easily been run.

It has not been learned in just what way the defense expects to show that the elevator did not run during that day.

The point, however, is considered a very important one since it would upset the state's theory and the statement of James Conley that the body was carried to the basement in the elevator, if the defense can show that the car did not run on the day of the crime.

Conley's Record Bad, Says Former Officer

Investigations of the past record of James Conley, the negro who says he helped L. M. Frank dispose of Mary Phagan's body, are said to have been underway for some days.

The investigation is being made very quietly and it is not known whether it is being conducted by detectives or friends of Frank. B. M. Brodie, a former policeman, who is now in business at 153 Decatur street, states that according to information which he has received. Conley became enraged with his wife about three months ago and fired at her with a revolver. The bullet missed the man's wife, but struck another negress, it is said, inflicting a slight

flesh wound. Conley was not persecuted. It is also said that some years ago Conley pulled a pistol on A. Boss, a grocer now deceased, and threatened to shoot him.

These and several additional charges against the record of the incarcerated negro are being investigated.